

### **REMARKS/ARGUMENTS**

In the Office Action mailed on August 25, 2005, claims 1-5 were rejected. Claims 6-11 have been withdrawn from consideration. Claim 1 has been amended. Claims 3 and 4 have been cancelled without prejudice or disclaimer. Claim 1 is independent. The following remarks are believed to be fully responsive to the Office Action. All pending claims at issue are believed to be patentable over the cited references.

### **CLAIM REJECTIONS - 35 U.S.C. § 102(a)**

The Examiner rejected claims 1-4 under 35 U.S.C. §102(a) as being anticipated by United States Patent Application Publication No. US 2002/01193926 to Katagishi et al. (hereinafter referred to as "Katagishi"). In light of the following remarks, Applicants respectfully submit that these claims are allowable.

More particularly, Applicants respectfully submit that Katagishi does not disclose all the elements set forth in these claims, including, among other things, a function set up information storage means for storing related said vehicle information and design information or function information, or a display means for displaying design or function read from the function set up information storage means, wherein said design or said function is in accordance to said vehicle, based on the recognition result by said recognition means, as claimed in independent claim 1.

The Examiner states that Katagishi discloses an onboard navigation apparatus 3 and a display 37. (Office Action, pg. 3) However, the onboard navigation apparatus and a display of Katagishi lacks any teaching of a function set up information storage means for storing related said vehicle information and design information or function information and a display means for displaying design or function read from the function

set up information storage means, wherein said design or said function is in accordance to said vehicle, based on a recognition result by said recognition means as presently claimed.

Moreover, independent claim 1 recites, *inter alia*, function set up information storage means for storing related said vehicle information and design information or function information; recognition means for recognizing the type of said vehicle, based on said vehicle information obtained by said obtaining means; and display means for displaying design or function read from function set up information storage means, wherein said design or said function is in accordance to said vehicle, based on a recognition result by said recognition means. See *specification, Fig. 4, pages 12-13 and Fig. 7, pages 17-19*. For anticipation under 35 U.S.C. §102 the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claim, is not found either expressly or inherently described as required by the M.P.E.P., Katagishi cannot be said to anticipate a function set up information storage means for storing related said vehicle information and design information or function information and a display means for displaying design or function read from the function set up information storage means, wherein said design or said function is in accordance to said vehicle, based on a recognition result by said recognition means of the present invention as claimed.

In light of the foregoing arguments, withdrawal of the rejection of claims 1-4 under 35 U.S.C. §102(a) as being anticipated by Katagishi is respectfully requested.

### **CLAIM REJECTIONS - 35 U.S.C. §103(a)**

The Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over United States Patent Application No. US 2004/0192189 to Yuhara et al. (hereinafter referred to as "Yuhara"). In light of the following remarks, Applicants respectfully submit that this claim is allowable.

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP §2142*. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP §2142*. In light of the argument regarding the Katagishi reference, in the anticipation section above, Katagishi does not teach or suggest all the claim limitations of independent claim 1.

Applicant respectfully points to the final prong of the test, which states the prior art must teach all the claim limitations. At the very least, Katagishi does not teach all of the limitations of independent claim 1 for the reasons set forth above in the anticipation section of this response.

Yuhara does not cure the deficiencies of Katagishi mentioned above. Therefore, Applicants note that claim 1 is allowable as discussed previously. Any claim that depends from an allowable claim is allowable as well. Thus, Applicants respectfully request that the rejection to claim 5 be removed.

As a result, the obviousness rejection is improper and since independent claim 1 allowable, all claims which depend from them are allowable. Therefore, Applicant respectfully request that the rejection to claim 5 be removed.

## CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. If, for any reason, the Examiner disagrees, please call the undersigned agent at 202-408-6023 in an effort to resolve any matter still outstanding before issuing another action. The undersigned agent is confident that any issue which might remain can readily be worked out by telephone.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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